

CITY OF MUSKEGON  
ZONING BOARD OF APPEALS  
REGULAR MEETING  
MINUTES

April 9, 2013

Chairman R. Hilt called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: R. Hilt, S. Warmington, B. Larson, W. German Jr., S. Brock

MEMBERS ABSENT: E. Fordham, T. Halterman,

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT:

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of August 14, 2012 be approved was made by B. Larson, supported by W. German and unanimously approved.

ELECTIONS

A motion to retain R. Hilt for Chairperson was made by B. Larson, supported by S. Warmington and unanimously approved.

A motion to nominate B. Larson for Vice Chairperson was made by S. Warmington, supported by S. Brock and unanimously approved.

PUBLIC HEARINGS

Hearing; Case 2013-01: Request for a variance from Section 1103: AREA AND BULK REQUIRMENTS, to allow a building expansion closer to the front lot line than the required ten-foot minimum setback in a B-2, Convenience and Comparison Business District at 1983 Lakeshore Drive, by The Marine Tap Room, Inc. M. Franzak presented the staff report. The applicant would like to place a permanent deck and awning structure at the front of the building. This property was previously granted a permit for a temporary deck, which is shown in a picture provided to board members. The property is zoned B-2, Convenience and Comparison Business District. The minimum front yard setback in this district is 10 feet. The building currently has a front setback of 7.5 feet, which makes the structure legally non-conforming. The applicant would like to have a zero lot line and construct the structure all the way up to the building line. The structure will be a total of 40 feet wide and will extend 22 feet from the road on the east side of the building. If the variance is granted, it would now make this property a legally conforming structure, since it would now meet all of the setback requirements (the front setback will now have the variance).

S. Warmington stated that allowing this variance would change the building from a non-conforming structure to a conforming structure, due to the zero lot line allowance. He stated that the building was built before the current zoning ordinance requiring the larger front setback. Most businesses in this block sit very close to the street.

A motion to close the public hearing was made by B. Larson, supported by S. Brock and unanimously approved.

The following findings of fact were offered: a) That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or class of uses in the same zoning district, b) That such dimensional variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity, c) That the authorizing of such dimensional variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this chapter or the public interest, d) That the alleged difficulty is caused by the Ordinance and has not been created by any person presently having an interest in the property, or by any previous owner, e) That the alleged difficulty is not founded solely upon the opportunity to make the property more profitable or to reduce expense to the owner, and f) That the requested variance is the minimum action required to eliminate the difficulty.

A motion that the findings of fact determined by the Zoning Board of Appeals be adopted and that the variance request to place a deck and awning structure in the front setback at 1983 Lakeshore Drive be approved, subject to the conditions that 1) the additions to the property must be complete within one year (Sec. 2504) or the variance is void, and 2) the variance is recorded with the deed to keep record of it in the future, was made by B. Larson, supported by W. German and unanimously approved.

#### OLD BUSINESS

None

#### OTHER

None

There being no further business, the meeting was adjourned at 4:20 p.m.